

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 21-39 are pending in the application, with claims 21 and 31 being the independent claims. Claims 21, 31, and 37 are sought to be amended. Applicants reserve the right to prosecute similar or broader claims, with respect to the amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

The claims presented in this Application should be interpreted solely based on the file history of this Application, not the file history of any predecessor or related application. With respect to this application, the Applicants hereby rescind any and all disclaimers of claim scope made in any parent application(s), any predecessor application(s), and any related application(s). The Examiner is advised that any previous disclaimer of claim scope, if any, and any references that allegedly caused any previous disclaimer of claim scope, may need to be revisited. Nor should any previous disclaimer of claim scope, if any, in this Application be read back into any predecessor or related application.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 102***

**Claims 21-24, 26, 27, 29-34, 35-37, and 39**

Claims 21-24, 26, 27, 29-34, 35-37, and 39 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by United States Patent Publication No. 2001/0055311 to Trachewskey et al. ("Trachewskey"). Applicants respectfully traverse the rejection and provide the following arguments to support patentability.

For a rejection to be sufficient under 35 U.S.C. § 102, "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131. The absence of any claimed element from the reference negates anticipation. Atlas Powder Co. v. E.I. du Pont de Nemours & Co., 750 F.2d 1569, 1574 (Fed. Cir. 1984). As will be described in more detail below, Trachewskey does not teach or suggest at least the features of "*a Media Access Controller/Physical Layer Interface (MAC/PHY) configured to determine whether the packet payload is one of a voice packet or a data packet and to translate the packet payload from the first communications protocol to a second communications protocol,*" "*a proxy gateway configured to determine whether the packet payload is to be formatted according to a third communications protocol or a fourth communications protocol when the packet payload is the voice packet,*" "*a controller configured to translate the packet payload from the second communications protocol to the third communications protocol when the packet payload is the voice packet that is to be formatted according to the third communications protocol or is the data packet,*" and/or "*a processor configured to translate the packet payload from the second communications protocol to the fourth communications protocol when the packet payload is the voice packet that is to be*

*formatted according to the fourth communications protocol"* as recited by independent claim 21. Consequently, Trachewskey cannot anticipate independent claim 21.

Trachewskey

The Office Action dated August 19, 2009 ("Office Action") relies on FIG. 4A of Trachewskey along with its accompanying description to allegedly teach or suggest each of these aforementioned features of independent claim 21. FIG. 4A of Trachewskey structurally discloses a fully integrated MAC/PHY device with minimal functional description. More specifically, FIG. 4A of Trachewskey discloses "a fully integrated MAC/PHY device that transmits and receives data," referred to as a controller 300. (Trachewskey, ¶[0116].) According to Trachewskey,

[a] controller 300 is a fully integrated MAC/PHY device that transmits and receives data... Controller 300 includes bus interface 310... for communication in accordance with well-known PC-based and/or peripheral/internet appliance architectures. Controller 300 also includes digital PHY 320 having a FDQAM/QAM transmitter and receiver interfacing with the analog front end and MAC 330, coupling to bus interface 310 through transmit (TX) FIFO 340 and receive (RX) FIFO 350. Bus interface 310 also has the capability of similarly communicating with other devices 360, such as a v.90 modem through v.90 modem interface or a 10/100 Fast Ethernet bus through a 10/100 Fast Ethernet interface, and their respective transmit (TX) FIFO 370 and receive (RX) FIFO 380. The operations of such bus interfaces and TX/RX FIFOs are well known in the art and are not described in more detail.

(Trachewskey, ¶[0116].)

Independent claim 21, however, is directed to a communications gateway that translates among communications protocols based upon content of a packet payload. Here, the Office Action merely points to the structural elements of the controller 300 as allegedly teaching or suggesting each and every feature of independent claim 21 without any explicit evaluation of the functional features recited by independent claim 21.

Applicants respectfully remind the Examiner that a functional feature "must be evaluated and considered, just like any other [feature] of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used." (M.P.E.P. §2173.05(f).) For example, a MAC/PHY of independent claim 21 translates "*the packet payload from the first communications protocol to a second communications protocol.*" Likewise, a controller of independent claim 21 translates "*the packet payload... to the third communications protocol when the packet payload is the voice packet that is to be formatted according to the third communications protocol or is the data packet.*" Similarly, a processor of independent claim 21 translates "*the packet payload... to the fourth communications protocol when the packet payload is the voice packet that is to be formatted according to the fourth communications protocol.*" Nowhere in the structural description of the controller 300, as discussed above, does Trachewskey teach or suggest translating among various communications protocols in a manner similar to that recited by independent claim 21. For example, Trachewskey does not teach or suggest that the digital PHY 320 and MAC 330 translates "*the packet payload from the first communications protocol to a second communications protocol*" as recited by independent claim 21. Trachewskey merely provides that the digital PHY 320 and MAC 330 are coupled "bus interface 310 through transmit (TX) FIFO 340 and receive (RX) FIFO 350," whereby "[t]he operations of such bus interfaces and TX/RX FIFOs are well known in the art and are not described in more detail." (Trachewskey, ¶ [0116].)

Independent claim 31 recites a substantially similar feature as independent claim 21. For at least the reasons discussed above in regards to independent claim 21, Trachewskey does not teach or suggest each and every feature of these independent

claims. Consequently, Trachewskey cannot anticipate independent claims 21 and 31. Dependent claims 22-24, 26, 27, 29, 30, 32-34, 35-37, and 39 are likewise not anticipated by Trachewskey for the same reasons the independent claims from which they depend and further in view of their own respective features. Accordingly, Applicants respectfully request that the rejection of claims 21-24, 26, 27, 29-34, 35-37, and 39 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

***Rejections under 35 U.S.C. § 103***

**Claims 25, 28, 35, and 38**

Claims 25, 28, 35, and 38 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Trachewskey in view of United States Patent No. 6,912,209 to Thi et al. (herein "Thi"). Applicants respectfully traverse the rejection and provide the following arguments to support patentability.

According to 35 U.S.C. § 103(c), subject matter which qualifies as prior art under 35 U.S.C. § 102(e) does not preclude patentability under 35 U.S.C. § 103 if it is shown to be owned by the same person or subject to an obligation of assignment to the same person as the claimed invention at the time the invention was made. Here, the invention(s) claimed in this Application and Thi were, at the time the claimed invention(s) disclosed in this Application were made, owned by or subject to an obligation of assignment to a common Assignee, Broadcom Corporation. For the convenience of the Examiner, Applicants have provided a copy of the Patent Assignment Abstract of Title for Thi as Appendix A and a copy of the Patent Assignment Abstract of Title for this Application as Appendix B. Therefore, Thi is not prior art against this

Application under the exception of 35 U.S.C. § 103(c) in regards to claims 25, 28, 35, and 38. As a result, the Office Action has failed to make out a *prima facie* case of obviousness of claims 25, 28, 35, and 38 based on the combination of Trachewskey and Thi. Accordingly, Applicants respectfully request that the rejection of claims 25, 28, 35, and 38 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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*Appendix A: Copy of Patent Assignment Abstract of Title for United  
States Patent No. 6,912,209 to Thi et al.*



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**Patent Assignment Abstract of Title**

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**Total Assignments: 1****Patent #:** 6912209      **Issue Dt:** 06/28/2005      **Application #:** 09706587      **Filing Dt:** 11/03/2000**Inventors:** James C. H. Thi, David Hartman**Title:** VOICE GATEWAY WITH ECHO CANCELLATION**Assignment: 1****Reel/Frame:** 011823/0164      **Recorded:** 05/21/2001      **Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** THI, JAMES C.H.**Exec Dt:** 01/11/2001HARTMAN, DAVID**Exec Dt:** 01/11/2001**Assignee:** BROADCOM CORPORATION

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***Appendix B: Copy of Patent Assignment Abstract of Title for this Application***



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**Patent Assignment Abstract of Title**

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**Total Assignments: 1**

Patent #:	NONE	Issue Dt:	Application #:	09851722	Filing Dt:	05/08/2001
Publication #:	<a href="#">20020006137</a>	Pub Dt:	01/17/2002			

**Inventors:** Theodore F. Rabenko, Matthew J. Fischer, Robert M. Lukas

**Title:** System and method for supporting multiple voice channels

**Assignment: 1**

Reel/Frame:	<a href="#">012055/0462</a>	Recorded:	08/06/2001	Pages:	7
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**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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